

### **Checklist for denying reunification services:**

You may deny reunification services if you find by clear and convincing evidence that any of the following exceptions apply:

- ☐ The parent's or guardian's whereabouts are unknown. [WIC §361.5(b)(1); CRC 1456(f)(5)(A).]
- ☐ The parent or guardian is suffering from a mental disability that will prevent him or her from using the services as established by competent evidence from two mental health professionals. [WIC §361.5(b)(2), (c); FC §7827; CRC 1456(f)(5)(B); see *In re Rebecca H.* (1991) 227 CA3d 825, 838–840.]
- ☐ The child or a sibling was previously removed because of physical or sexual abuse and then was reunited and is being removed because of additional abuse. [WIC §361.5(b)(3); CRC 1456(f)(5)(C).]
- ☐ The parent or guardian caused the death of another child through abuse or neglect. [WIC §361.5(b)(4); CRC 1456(f)(5)(D); see *In re Ethan N.* (2004) 122 CA4th 55, 68–69.]
- ☐ The child suffered severe physical abuse as described in WIC §300(e) because of the conduct of the parent or guardian or someone they knew. [WIC §361.5(b)(5); CRC 1456(f)(5)(E); see WIC §300(e) in §4.02.]
- ☐ The child, a sibling, or a half-sibling suffered severe sexual abuse or the infliction of severe physical harm by a parent or guardian, and you find that it will not benefit the child to pursue reunification services with the offending parent or guardian. [WIC §361.5(b)(6); CRC 1456(f)(5)(F).]
- ☐ The parent is not receiving reunification services for a sibling or half-sibling pursuant to WIC §361.5(b)(3), (5), or (6) (see above). [WIC §361.5(b)(7); CRC 1456(f)(5)(G).]
- ☐ The child was conceived as a result of a sexual assault. [WIC §361.5(b)(8); CRC 1456(f)(5)(H).] This ground only applies to the parent who committed the assault. [WIC §361.5(b)(8).]
- ☐ The child was left without provision for support under various circumstances as described in WIC §300(g), the parent or guardian willfully abandoned the child, and the abandonment placed the child in serious danger. [WIC §361.5(b)(9); CRC 1456(f)(5)(I); see WIC §300(g) in §4.02.]
- ☐ The parent or custodian voluntarily surrendered physical custody of a newborn pursuant to H&SC §1255.7, and did not reclaim the child within 14 days. [WIC §361.5(b)(9); H&SC §1255.7(a), (f).]
- ☐ Reunification services were terminated for a sibling or half-sibling when reunification efforts failed, and the parent or guardian did not make a subsequent reasonable effort to treat the problems that led to the removal. [WIC §361.5(b)(10); CRC 1456(f)(5)(J).]

- ☐ Parental rights with respect to a sibling or half-sibling were permanently severed, and the parent or guardian did not make a subsequent reasonable effort to treat the problems that led to the removal. [WIC §361.5(b)(11); CRC 1456(f)(5)(K).]
- ☐ The parent or guardian was convicted of a violent felony under PC §667.5(c). [WIC §361.5(b)(12); CRC 1456(f)(5)(L).]
- ☐ The parent or guardian has a history of extensive and chronic alcohol or drug abuse and resisted or failed court-ordered treatment during a three-year period before the petition was filed, or failed or refused to comply with a treatment program from the case plan on at least two prior occasions. [WIC §361.5(b)(13); CRC 1456(f)(5)(M).]
- ☐ The parent or guardian, who is represented by counsel, knowingly and intelligently waived the right to reunification services after you advised him or her of the right to receive services and the consequences of declining them (including termination of parental rights and adoption). [WIC §361.5(b)(14); CRC 1456(f)(5)(N).]
- ☐ The parent abducted the child, a sibling, or half-sibling and refused to disclose the child's whereabouts or return the child to his or her placement or to the social worker. [WIC §361.5(b)(15); CRC 1456(f)(5)(O).]